

REMARKS

This application pertains to a novel device for emptying a hose bag. The novel device includes a helical cutting blade (Figs. 3, 4, 5, 6; claim 1).

The helical cutting blade has a helical cutting edge (see Figs. 4, 6).

Claims 1-6 stand rejected under 35 USC 102(b) as anticipated by King et al. The Examiner contends that the tip of King's cutting device meets the definition of a blade.

The Examiner quotes Webster's New World Dictionary, Third College Edition, as defining a blade as:

"the cutting part of a tool, instrument or weapon".

The cutting part of King's tool is the tip, however, and the tip is not helical (see the tip in King's Fig. 6). Thus, King does not have a helical cutting blade, he just has a sharp point or tip.

According to the Examiner and Webster's a blade is "the cutting part". The cutting part of King is not helical.

The cutting part of applicants' device is helical.

King's corkscrew is not a blade. It is a helical piercing tip 70/71, as described by King in Column 5, lines 20, 21. Only the tip can be considered to have a blade, the rest of the helical structure does not possess sharp edges necessary to qualify as a blade. This would be counterproductive for the function of the threaded part which is not cutting but providing the sealing together with the pouch foil.

Applicants' device has helical knife edges in order to provide the S-formed cut. Neither form nor function is described by King.

The one step motion/action of applicants' device is the direct result of the helical construction and this advantage is surprising and unexpected in view of the prior art.

Applicants' claims cannot therefore reasonably be seen as anticipated by or obvious over the King reference. The rejection of claims 1-6 under 35 USC 102(b) as anticipated by King et al should accordingly now be withdrawn.

In view of the present amendments and remarks it is believed that claims 1-6 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

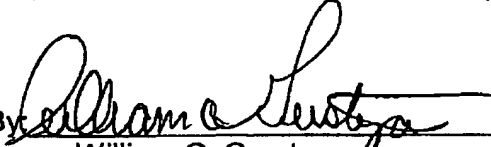
If entry and consideration of the amendments above requires an extension of time, Applicants respectfully request that this be considered a petition therefor. The Assistant Commissioner is authorized to charge any fee(s) due in this connection to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fees, or credit any excess, to Deposit Account No. 14-1263.

Respectfully submitted,

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NOTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted via facsimile # 703-872-9303 on the date indicated below and is addressed to Mail Stop AF, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on May 20, 2003.

NORRIS, MCLAUGHLIN & MARCUS, P.A.

Date May 20, 2003

By   
Jennifer Archer